

ORDINANCE NO. BL2018-1386

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary "Special Event Zone" during the time period beginning at nine o'clock (9:00) p.m. on December 30, 2018 and ending at 6 o'clock (6:00) a.m. on January 1, 2019 relative to the use of these areas in conjunction with the 2018 New Year's Eve Celebration and related activities and events.

WHEREAS, the city of Nashville is hosting the 2018 New Year's Eve Celebration in December 2018; and,

WHEREAS, each year, the New Year's Eve Celebration brings tens of thousands of visitors to Nashville, resulting in millions of dollars of direct visitor spending; and,

WHEREAS, the 2018 New Year's Eve Celebration will have a tremendous positive impact on Nashville's economy; and,

WHEREAS, given the tens of thousands of visitors and media personnel who will be in attendance, it is necessary that certain areas in and around events related to the 2018 New Year's Eve Celebration be regulated and controlled to provide for the public health, safety, and welfare of the above mentioned participants; and,

WHEREAS, to that end, it is necessary to establish a Special Event Zone area for the temporary time periods and within the specified boundaries designated in this ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 2. The Special Event Zone defined in Section 1 hereof shall have a duration beginning at nine o'clock (9:00) p.m. on Sunday December 30, 2018, and ending at six o'clock (6:00) a.m. on Tuesday January 1, 2019.

The Special Event Zone shall be Charlotte Avenue from 10th Circle North to 5th Avenue North, 5th Avenue North from Charlotte Avenue to Gay Street, Gay Street from 5th Avenue North to 3rd Avenue North, 3rd Avenue North from Gay Street to Jefferson Street, Jefferson Street from 3rd Avenue North to Rosa L. Parks Blvd., Rosa L. Parks Blvd. from Jefferson Street to 10th Circle North, 10th Circle North at Rosa L. Parks Boulevard to Charlotte Avenue.

Section 3. Notwithstanding any other provision of the Metropolitan Code to the contrary, the activities described below on public property or in the public right-of-way within the Special Event Zone conducted by any person or entity, except those approved by both the Metropolitan Government of Nashville and Davidson County and the Nashville Convention and Visitors Corporation, shall be regulated as follows:

1. Street vendors with a general vending license issued pursuant to Section 13.08.040 of the Metropolitan Code or other persons with a valid license for such purpose issued by the Metropolitan Government, the sale of any food, beverages, goods, or merchandise shall be prohibited on the public streets, sidewalks, alleys, and rights-of-way. Street vendors shall obtain a "Special Event Zone" permit from the Nashville Convention and Visitors Corporation in order to sell within the geographic area listed above. The Metropolitan Departments of Public Works, the Metropolitan Department of Parks and Recreation, and the Davidson County Clerk shall consult with Nashville Convention and

Visitors Corporation prior to granting a temporary vending permit to be effective within the Special Event Zone during Nashville's New Year's Eve Celebration.

2. No alcoholic beverages shall be provided, served, or sold from any temporary outdoor use except as authorized by the Nashville Convention and Visitors Corporation and permitted by the Metropolitan Government of Nashville and Davidson County.
3. The sale or distribution of merchandise pertaining to the New Year's Eve Celebration where it is apparent on its face that the merchandise is not licensed by the Nashville Convention and Visitors Corporation, regardless of whether the person selling or distributing is operating pursuant to a valid permit, exception, or exemption provided for in this Ordinance or elsewhere in the Metropolitan Code, shall be prohibited.
4. No tents or membrane structures of any kind shall be erected except for those tents and membrane structures sanctioned and authorized by the Nashville Convention and Visitors Corporation or erected by the Metropolitan Government for public safety purposes.
5. The construction, placement, occupation, or use of any temporary structure is prohibited except those sanctioned and authorized by the Nashville Convention and Visitors Corporation.
6. The distribution, promotional give-away activity, or provision of free products, services, or coupons (otherwise referred to as "sampling") by persons or entities that are not event sponsors officially sanctioned and authorized by Nashville Convention and Visitors Corporation is strictly prohibited, provided this shall not apply to written material given away within any Public Participation Area established pursuant to this Ordinance.
7. Vehicles shall be allowed only as directed by Metropolitan Nashville Police which will include trucks, automobiles, motorcycles, golf carts, bicycles, scooters, skateboards and motorized scooters.
8. No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
9. No handguns, rifles, or firearms shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period. (Tennessee Code Annotated §39-17-1359)
10. No knives, swords, or other fighting devices shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
11. No fireworks, firecrackers, or explosive devices of any type shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
12. The Special Event Zone shall be a "no fly zone" during the designated Special Event Zone Ordinance time period. (Tenn. Comp. R. & Regs. 0400-02-02-.02)

Section 4. Nothing in this Ordinance shall be construed as a repeal or suspension of any existing laws prohibiting or governing the issuance of permits outside of the "Special Event Zone" geographical boundaries. Further, nothing in this Ordinance shall be construed as granting a waiver to Nashville Convention and Visitors Corporation from all licensing and permitting requirements of the Metropolitan Code necessary for the public health, safety, and welfare.

Section 5. One or more Public Participation Areas shall be established by the Metropolitan Government within the Special Event Zone while the Special Event Zone Ordinance is in effect. Each Public Participation Area shall allow for the reasonable expression by the public in a manner that shall not be disruptive to the 2018 New Year's Eve Celebration, activities and events. Public Participation Areas shall be provided for during such reasonable times, and in such reasonable locations within the Special Event Zone as to allow for meaningful and effective expression by the public.

Section 6. If any of the provisions of this Ordinance are for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, and those remaining portions shall be and remain in full force and effect.

Section 7. It is the intention of the Metropolitan Council that the Metropolitan Nashville Police Department focus its enforcement efforts upon preserving the peace and securing the safety of the New Year's Eve Celebration participants while the Special Event Zone is in effect.

Section 8. This Ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell
Member of Council